

Message Text

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P R 061825Z MAY 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 8665

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 07690

E.O. 11652: GDS

TAGS: PFOR PGOV WB GW US UK FR

SUBJECT: MAY 1976 QUADRIpartite MEETING: ANALYSIS OF
FRG PROPOSAL FOR STUDY OF REPRESENTATION
OF BERLIN

REFS: (A) STATE 103168; (B) BONN 7091; (C) STATE 89938;
(D) BONN 6099; (E) STATE 84457

BEGIN SUMMARY. THERE HAS BEEN ONLY PRELIMINARY
DISCUSSION IN THE BONN GROUP OF THE GERMAN PAPER
(REF B) PROPOSING A STUDY OF THE DIFFICULTIES WHICH THE
FRG IS ENCOUNTERING IN REPRESENTING THE INTERESTS OF
WEST BERLIN ABROAD. WHILE THE EMBASSY AGREES WITH THE
GENERAL THRUST OF THE PROPOSAL, THERE ARE CERTAIN
ASPECTS OF IT ON WHICH US RESERVATIONS MIGHT USEFULLY BE
EXPRESSED IF VAN WELL CALLS FOR FULLER DISCUSSION AT
THE MAY 20 SENIOR LEVEL MEETING. WE OFFER BELOW SOME
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COMMENTS ON THE FRG PROPOSAL, IN THE FORM OF TALKING

POINTS WHICH MIGHT BE USED BY THE US DELEGATION.
END SUMMARY.

1. ALLIED PARTICIPANTS AT THE OSLO SENIOR LEVEL MEETING WILL PRESUMABLY GIVE AGREEMENT TO THE FRG PROPOSAL FOR A BONN GROUP STUDY ON PROBLEMS IN THE FIELD OF REPRESENTATION. THE BRITISH AND FRENCH REPS ARE LIKELY TO EXPRESS A CAVEAT AGAINST DETERMINING IN ADVANCE WHAT USE IS TO BE MADE OF THE STUDY, AND WE RECOMMEND THAT THE US DELEGATION DO SO AS WELL.

2. AMBASSADOR VON STADEN WAS NO DOUBT FOLLOWING INSTRUCTIONS IN DESCRIBING THE FRG PROPOSAL AS ONE AIMED AT PREPARING FOR AN ALLIED DEMARCHE TO THE SOVIETS (REF E). THE FRG BONN GROUP REP HAS SUBSEQUENTLY DENIED THAT THE FRG HAS ANY PREDETERMINED NOTION ON THIS SCORE AND INSISTS THAT THE PURPOSE OF THE STUDY IS SIMPLY TO EXAMINE THE PROBLEM AND SEE WHAT RECOMMENDATIONS THE BONN GROUP COULD MAKE FOR FURTHER CONSIDERATION BY MINISTERS, PERHAPS AT THE DECEMBER QUADRIPARTITE MEETING. NEVERTHELESS, THE WORDING OF THE FINAL PARAGRAPH OF THE FRG PROPOSAL (REF B) IS CONSISTENT WITH VON STADEN'S PRESENTATION, IF NOT QUITE AS POINTED, AND IT WOULD NOT BE AMISS TO REITERATE IN OSLO THE RESERVATIONS ON THIS SCORE WHICH THE US REP (PER INSTRUCTION IN REF C) HAS ALREADY MADE IN THE BONN GROUP.

3. A NEW IDEA EMERGED IN THE MAY 3 BONN GROUP MEETING, WHEN ALLIED REPS WERE TOLD FOR THE FIRST TIME -- DURING A DISCUSSION OF THE SOVIET PROTEST ON EXTENSION OF THE SEABEDS TREATY TO BERLIN -- THAT VAN WELL INTENDS TO PROPOSE IN OSLO THAT A FULL STUDY BE MADE OF THE APPLICATION OF DISARMAMENT TREATIES TO BERLIN. THE DEPARTMENT WILL RECALL VAN WELL'S SUGGESTION AT THE DECEMBER QUADRIPARTITE MEETING THAT A TREATY SHOULD BE EXTENDED TO BERLIN IF THERE IS EVEN A SMALL PORTION OF SUBJECT MATTER WHICH DOES NOT CONCERN SECURITY AND STATUS (PARA 12, SECTO 24035, DECEMBER 12, 1975).

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4. ALLIED REPS REACTED ON MAY 3 BY SUGGESTING THAT, SINCE EXTENSION OF TREATIES COMES UNDER THE GENERAL HEADING OF "REPRESENTATION," SUCH A STUDY MIGHT APPROPRIATELY FORM AN IMPORTANT PART OF THE BROADER STUDY THE FRG IS PROPOSING. THE US DELEGATION MIGHT WISH TO TAKE THE SAME LINE IF VAN WELL DOES, IN FACT, RAISE THE ISSUE OF DISARMAMENT TREATIES AS A SEPARATE ITEM.

5. FOLLOWING ARE SOME SUGGESTED TALKING POINTS FLOWING FROM PRELIMINARY EMBASSY ANALYSIS OF THE FRG PROPOSAL, KEYED TO THE TEXT IN REF (B) WHICH IS TO BE APPENDED TO THE AGENDA FOR THE SENIOR LEVEL MEETING.

GENERAL REMARKS

A. WE SHARE FRG CONCERNS OVER PROBLEMS BEING

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FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 8666

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ENCOUNTERED IN THE FIELD OF REPRESENTATION AND AGREE THAT IT WOULD BE USEFUL FOR THE BONN GROUP TO MAKE AN EXHAUSTIVE STUDY OF PROBLEMS IN THIS AREA.

B. WE BELIEVE THE STUDY SHOULD INCLUDE A THOROUGH

ANALYSIS OF THE SOVIET PROTESTS WHICH HAVE BEEN MADE IN THE GENERAL AREA OF REPRESENTATION, TO IDENTIFY THE WESTERN POSITIONS THAT ARE COMING UNDER ATTACK. IN ADDITION, THE STUDY SHOULD INCLUDE AN OBJECTIVE ANALYSIS OF ACTUAL PROBLEMS WHICH THESE PROTESTS ARE CAUSING.

C. WE DO NOT BELIEVE IT WOULD BE USEFUL TO ATTEMPT AT THIS POINT, WHEN WE ARE JUST LAUNCHING THE STUDY, TO TRY TO DETERMINE WHAT USE MAY EVENTUALLY BE MADE OF IT. WE WOULD THEREFORE RESERVE OUR POSITION ON ANY IMPLICATION IN THE FINAL PARAGRAPH OF THE GERMAN
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PROPOSAL THAT THERE IS ANY COMMITMENT ON OUR PART TO MAKE APPROACHES TO THE SOVIET UNION.

D. SUCH APPROACHES COULD AT SOME POINT BECOME NECESSARY. WE ARE MINDFUL OF THE FACT, HOWEVER, THAT DEMARCHES BY THE THREE ALLIES COULD BE COUNTERED WITH A SOVIET SUGGESTION FOR FULL CONSULTATIONS UNDER THE FINAL QUADRIPARTITE PROTOCOL ON OTHER PROBLEM AREAS IN IMPLEMENTATION OF THE QA. WE DO NOT BELIEVE SUCH CONSULTATIONS WOULD SERVE WESTERN INTERESTS.

E. WE DO NOT CONSIDER THE US AND FRG PROPOSALS AS BEING MUTUALLY EXCLUSIVE. WE THEREFORE CONTINUE TO BELIEVE IT WOULD BE WORTHWHILE TO PREPARE A BROADER STUDY ON ALL ASPECTS OF THE BERLIN PROBLEM -- OF WHICH REPRESENTATION IS ONE OF THE MOST IMPORTANT. THE FOCUS OF THE STUDY PROPOSED BY THE US WOULD BE DIFFERENT, IN THAT IT WOULD BE AIMED AT PROVIDING BASIC BACKGROUND ON THE BERLIN SITUATION THAT WOULD AID THIRD NATIONS IN UNDERSTANDING WHAT THE SOVIET-INSPIRED CONTROVERSY IS ALL ABOUT.

SPECIFIC REMARKS (FOR USE ONLY IF VAN WELL INITIATES A MORE DETAILED DISCUSSION OF THE GERMAN PAPER):

F. WE ARE IN GENERAL AGREEMENT WITH SEVERAL OF THE CONCLUSIONS OF THE GERMAN PAPER, SUCH AS:

-- THE STATEMENTS IN PARA 5 THAT PARTICIPATION IN INTERNATIONAL INTERCOURSE IS AN IMPORTANT ELEMENT OF THE VIABILITY OF BERLIN, AND THAT IT IS IN THE INTEREST OF THE THREE POWERS THAT THE RIGHT OF THE FRG TO REPRESENT BERLIN ABROAD BE PRESERVED.

-- THE STATEMENTS IN PARA 6 THAT A RETREAT IN THE AREA OF FOREIGN REPRESENTATION WOULD PROMOTE SOVIET EFFORTS TO ISOLATE BERLIN, AND THAT SUCH

RETREAT WOULD ONLY LEAD TO SOVIET ATTACKS IN OTHER
AREAS OF THE QA.

G. ON THE OTHER HAND, THERE ARE CERTAIN ASPECTS
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OF THE GERMAN PAPER WITH WHICH WE WOULD DISAGREE, OR ON
WHICH WE WOULD NEED TO RESERVE OUR POSITION UNTIL THE
BONN GROUP STUDY HAS BEEN COMPLETED; FOR EXAMPLE:

-- FROM THE WESTERN STANDPOINT, PARA 1 IS

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CORRECT IN STATING THAT ANNEX IV DOES NOT CONTAIN AN EXHAUSTIVE ENUMERATION OF THE AREAS IN WHICH THE FRG MAY EXERCISE THE RIGHT OF REPRESENTATION. BUT BECAUSE THE QA IS THE ONLY DOCUMENT IN WHICH THE SOVIETS HAVE RECOGNIZED THE FRG RIGHT OF REPRESENTATION, IT WOULD BE DIFFICULT TO ARGUE TO THEM THAT THEY ARE OBLIGED TO RECOGNIZE THIS RIGHT IN AREAS (PARTICULARLY BILATERAL RELATIONS) WHICH ARE NOT ENUMERATED IN ANNEX IV.

-- THE FRG PAPER DOES NOT MENTION THE KEY PROBLEM OF "STATUS AND SECURITY," TO WHICH THE FRG RIGHT OF REPRESENTATION DOES NOT EXTEND. THE ALLIED COMMITMENT, IN ANNEX IV OF THE QA, TO REPRESENT BERLIN IN MATTERS AFFECTING STATUS AND SECURITY RAISES QUESTIONS ABOUT THE LANGUAGE IN
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PARA 5 OF THE FRG PROPOSAL ABOUT THE INABILITY OF THE THREE POWERS TO TAKE OVER SATISFACTORILY A REPRESENTATION ROLE. THIS IS CERTAINLY TRUE IN A GENERAL SENSE, BUT THE BONN GROUP STUDY WILL NEED TO CONCENTRATE ON DEFINITIONS OF "STATUS AND SECURITY" AND ON THE QUESTION OF WHETHER THERE MIGHT BE INSTANCES IN WHICH THE ALLIES WOULD NEED TO PERFORM A REPRESENTATION FUNCTION.

-- THE FINAL SENTENCE OF PARA 6 OF THE FRG PROPOSAL RAISES AN INTERESTING QUESTION, BUT ONE WHICH WE CONSIDER IT UNNECESSARY TO DEBATE -- THAT IS, WHETHER IT IS MORE IMPORTANT TO DEFEND THE ACCESS ARRANGEMENTS AND THE TIES THAN TO DEFEND THE FRG RIGHT OF REPRESENTATION. WHILE IT IS ARGUABLE THAT THE VIABILITY OF THE CITY COULD BE PRESERVED SO LONG AS ACCESS AND THE TIES WERE MAINTAINED, IT IS OUR FIRM INTENT TO CONTINUE ALSO TO SUPPORT THE FRG RIGHT OF REPRESENTATION IN ALL AREAS WHERE THIS IS CLEARLY PROPER.
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